

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GENERAL REFRACTORIES COMPANY	: : : : : :	CIVIL ACTION
v.		
FIRST STATE INSURANCE CO., et al.	:	NO. 04-3509

ORDER

AND NOW, this 6th day of September, 2013, following a conference with counsel, and upon consideration of the parties' submissions,¹ for reasons provided in the accompanying Memorandum, it is hereby **ORDERED** that the "Motion To Dismiss With Prejudice The Defendants Who Have Settled" filed by plaintiff General Refractories Company and the defendant "Settled Carriers"² (doc. no. 492) is **GRANTED**.

IT IS FURTHER ORDERED that the Settled Carriers are **DISMISSED** from this action as parties, and under Federal Rule of Civil Procedure 41(b), all claims asserted by any party to this action against a Settled Carrier are **DISMISSED** with prejudice. Defendants³ may assert a claim for

¹ Plaintiff's and the Settled Carriers' Mot. to Dismiss (doc. no. 492), Mem. of Law (doc. no. 492-1), and proposed Order (doc. no. 492-2); and Certain Defendants' Resp. (doc. no. 500). See also the parties' previous letter bfs. (doc. nos. 305-310).

² The Settled Carriers are: American Empire Surplus Lines Insurance Company; Hartford Accident & Indemnity Company; First State Insurance Company; Westport Insurance Corporation, formerly known as Puritan Insurance Company; Sentry Insurance, a Mutual Company, as assumptive reinsurer of Great Southwest Fire Insurance Company, sued here as Vanliner Insurance Company.

³ The litigating defendants are: AIU Insurance Company; Continental Insurance Company, as successor-in-interest to certain policies of insurance issued by Harbor Insurance Company; Government Employees Insurance Company; Lexington Insurance Company; Republic Insurance Company; Travelers Casualty and Surety Company, formerly known as The Aetna Casualty and Surety Co., and incorrectly designated in the Complaint as "St. Paul Travelers"; and Westchester Fire Insurance Company.

an apportioned share set-off under Koppers v. Aetna Cas. & Sur. Co., 98 F.3d 1440 (3d Cir. 1996).

BY THE COURT:

s/ L. Felipe Restrepo
L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE